



## **Requirements for agents' correspondence and documents: Are your details stated correctly?**

Section 41(2)(a) of the *Real Estate and Business Agents Act 1978* (the Act) requires agents to identify the correct licensee details on all documents and correspondence. The penalty prescribed by the Act for non compliance with section 41(2)(a) is \$2,000. Section 41 (2)(a) states:

*(2) On all correspondence, and on all documents prepared, in the course of business of a licensee at his registered office and every branch office —*

*(a) the licensee shall be identified as a real estate agent or business agent, or both, and the registered office of his business shall be shown.*

A document may be regarded as being:

1. any authority prepared by the agency;
2. any offer and acceptance used by the agency;
3. any receipt issued by the agency; or
4. any correspondence originating from the agency.

The legal entity that holds the licence, together with the business name and the registered address (not a post office box), must be identified on all documents and correspondence as being a licensed real estate and business agent.

The following are general examples (as a guide only) of how a licensee's details might be displayed:

### **Sole Trader**

Where Tom Smith is licensed as an individual and trades under a business name such as ABC Realty, the following identification must appear on all documents and correspondence:

Tom Smith – Licensee  
Trading as ABC Realty  
1 Main Street  
Perth WA 6000  
Licensed Real Estate and Business Agent

### **Partnership**

Where the partnership consists of two or more persons such as Tom Smith and Mary Smith and trades as ABC Realty the following applies:

Tom Smith and Mary Smith – Licensee  
Trading as ABC Realty  
1 Main Street  
Perth WA 6000  
Licensed Real Estate and Business Agent



Government of **Western Australia**  
Department of **Commerce**

**Body Corporate**

Where a licence is issued to a body corporate such as XYZ Pty Ltd, and uses the business name of ABC Realty the following applies:

XYZ Pty Ltd – Licensee  
Trading as ABC Realty  
ACN/ABN  
1 Main Street  
Perth WA 6000  
Licensed Real Estate and Business Agent

Please note the identification requirements under the *Corporations Law*. The name of the company and its ACN/ABN number must be identified on all public documents including: receipts; orders for goods and services; business letterheads; cheques; brochures and leaflets advertising any service; statements of account; and any documents required to be filed at the Australian Securities and Investments Commission.

Consumer Protection reminds all agents of the importance to review their documentation to ensure it complies with the requirements of the Act.